

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 4:07CR484 RWS
)
)
MICHAEL GORMAN,)
)
)
Defendant.)

ORDER

This matter is before the Court on defendant Michael Gorman's Objections to the Memorandum and Recommendation of the United States Magistrate Judge.

This case was referred to United States Magistrate Judge Terry I Adelman Pursuant to 28 U.S.C. § 636(b). Defendant filed his Motion to Suppress Evidence and Statements on September 4, 2007. A hearing was held on his pretrial motions on September 28, 2007. A transcript of the hearing was filed with the Court on October 27, 2008. The issues were fully briefed by the parties. On December 18, 2007, Judge Adelman entered his Memorandum and Recommendation of United States Magistrate Judge. On December 28, 2007 defendant filed his objections to the Report and Recommendation.

On January 24, 2007 the grand jury returned a superseding indictment against Mr. Gorman. On March 5, 2008 Michael Gorman waived his right to file any additional pre-trial motions and indicated that he intended to stand on his objections to the Report and Recommendation.

I have conducted a *de novo* review of the hearing transcript and the briefs filed by the parties. I agree with the Magistrate Judge that Michael Gorman's arrest was legal and that the subsequent search of the property at 4075 Giles, Apt. 1-S was consensual. I also agree that Michael Gorman's post-custodial statements should not be suppressed.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Terry I. Adelman [#26] is **SUSTAINED**, **ADOPTED**, and **INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence and statements [#15] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 17th day of March, 2008.